

Commerce City

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Commerce City, CO 80022
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Meeting Minutes - Final

Thursday, February 10, 2022

6:00 PM

Council Chambers

Planning Commission

Call to Order

Meeting was called to order at 6:03pm.

Roll Call

Present 5 - Alternate Commissioner Angela VanDijk, Commissioner David Yost, Commissioner Garret Biltoft, Chair Jonathan Popiel, and Alternate Commissioner Steven J. Douglas

Pledge of Allegiance

Approval of Minutes:

[Min 22-37](#)

Minutes of January 4, 2022 Planning Commission Meeting

Attachments: [Minutes](#)

A motion was made that the Minutes be approved VOTE:

Ayes: 3 - Commissioner Yost, Chair Popiel and Alternate Commissioner Douglas

Abstentions: 2 - Alternate Commissioner VanDijk and Commissioner Biltoft

Case(s):

[S-789-21](#)

NexMetro Communities is requesting approval of the Avilla Settlers Crossing Subdivision Plat to create one 12.93-acre lot for future development, for the property located at the southeast corner of E. 100th Ave & Tower Rd, zoned PUD (Planned Unit Development District).

Attachments: [Staff Report](#)
[Vmap](#)
[Applicant Narrative](#)
[FinalPlat](#)
[Traffic Conformance Letter](#)
[Applicant Presentation](#)

Sarah Geiger, Deputy City Attorney, introduced the case and staff presenting the case.

Harry Brennan, Planner, presented case S-789-21 and noted all information pertinent to noticing, publication and the presentation is in the record.

Harry Brennan, Planner, invited the applicant to come forward with their presentation. Applicant stated this is the second community they have developed in our jurisdiction. Said they are here to answer any questions anyone may have.

Chairman Popiel said the PUD and comp plan is mixed use and asked how did they decide to be residential and if they pursued commercial at all. Applicant said within

PUD language multi family is appropriate being adjacent to 30 acres of commercial. And that residential supports commercial quite well.

Chairman Popiel also asked how they decided to pay the fee in lieu of parks and schools. Applicant stated they are aggregating their efforts to a focal point in the community. Also are providing residents with the opportunity for dog parks and smaller parks and central greens outside of the requirement. Further conversation with the school district would be appropriate for consideration.

Commissioner Yost wanted to know what agreement is signed to continue to develop this area, like future schools and parks. Applicant noted the first phase of development is Settler's Crossing and stated they have navigated the PUD development permit process and upon plat approval will move to the final vision. Steve Timms, Planning Manager, pointed out they are only developing this one piece and they are not the master developers for all of Settler's Crossing. This is determined partly through comp plan and through Parks and Rec master plan in our city and 27J master plan as well. This area is not set aside for a school or park so they can pay the fee in lieu.

Commissioner Douglas pointed out there was no neighborhood meeting and thought there should of been. He thinks that area is lacking commercial and retail and already has too much residential. And, only two entries to the neighborhood is a safety hazard for fire access points, and said it all seems rather rushed. Applicant stated it would of taken place during PUD zone document approval in 2010.

Commissioner Biltoft asked if this plan has appropriate framework, the easements for this area. And thought it seemed constrained, and was not sure it fits into the comprehensive plan.

Seeing no further comments, Chairman Popiel invited the public to speak.

Michelle Long, 17067 E 106th Ave Reunion- expressed concern with the mixed use concept. The homes on 101st and tower homes are already too condensed. Children walking across tower to go to school is not a good idea. Having one road and 6 houses, is going to make Commerce City too compact and not safe.

Lisa Gudmundson, 11030 River Oaks Lane- Is concerned about affecting the area. Kids will be impacted, schools cannot hold what they have now. They need more exit points out of neighborhoods, especially for fires. There are not enough amenities to serve the community now. City needs another grocery store, and traffic is already bad.

A motion was made by Alternate Commissioner Douglas; I move the Planning Commission enter the findings that the requested plot property located southeast corner of Tower Rd and East 100th Avenue pertaining to case S-789-21, fails to meet the following criteria of the LDC. Criteria E, the subdivision complies with all applicable city standards and does not create lots or patterns that make compliance with such standards difficult or infeasible. And G, not adequate as far as public safety and transportation, parks and schools. And seconded by Alternate Commissioner VanDijk, that this Subdivision be denied VOTE:

Ayes: 3 - Alternate Commissioner VanDijk, Commissioner Biltoft and Alternate Commissioner Douglas

Nayes: 2 - Commissioner Yost and Chair Popiel

[S-776-20-22](#)

Oakwood Homes is requesting approval of the Reunion Filing No. 38 Final Plat to create 153 residential lots and 11 tracts on approximately 21.9 acres for the property located on the southeast corner of 112th Ave & Chambers Rd., zoned PUD (Planned Unit Development District).

Attachments: [Staff Report](#)
 [Vmap](#)
 [Applicant Letter](#)
 [Traffic Study](#)
 [Final Plat](#)
 [Development Agreement](#)

Sarah Geiger, Deputy City Attorney, introduced the case and staff presenting the case.

Jennifer Jones, Principal Planner, presented case Z-722-00-21 and noted all information pertinent to noticing, publication and the presentation is in the record.

Jennifer invited the applicant to come forward with their presentation.

Michelle Berger, Spencer Fane, requested that Commissioner Douglas recuse himself due to previous facebook comments and December 6th City Council, believing that he has pre-judged the application.

Sarah Geiger, Deputy City Attorney, quoted council policy 14, the conflict of interest, citing F6 in rules of procedure for the Planning Commission states "No member will participate in or vote on any matter in which the member has any direct or indirect financial, personal, or official interest other than the common public interest. In of such a nature that it prevents or may prevent the member from acting impartially or raises the appearance of impropriety. Any member with such an interest or conflict will disclose the interest or conflict to the Commission when it becomes known or apparent and before participating in any official action or hearing by the Commission." In Council Policies it states "All council member and all appointed official should be excused from voting on any question in which such member has a financial interest other than the common public interest, his own conduct is involved or any other good cause is shown for his being excused from voting. The relevant Commission as applicable by majority vote of those present shall determine when a member shall be excused from voting. Should any member being present refuse to vote on any measure not be excused from doing so his vote shall be recorded in the affirmative." Commissioner Douglas stated he has no financial interest and no prior information, this is the first time he has heard about this. Commissioners asked to see the facebook comments from Michelle Berger, Michelle was not able to produce these documents as they did not know Commissioner Douglas would be serving. Commissioner Douglas was able to remain.

Applicant moved forward with their presentation. Presenting was Michelle Berger, Spencer Fane and Jim Hayes, Oakwood Homes.

Chairman Popiel noted that design standards were not addressed. Jennifer Jones, Principal Planner, stated that design standards are not part of approval process and that those standards are in the land development code and reviewed separately.

Commissioner Yost asked if how many homes they will be fitting in the development is

standard per acre and do they fall within density regulations. Jennifer noted that allowance is 6-24 units per acre and the applicant does fall in the range allowed.

Commissioner VanDijk asked if the public is able to provide feedback on the design of homes. Jennifer said that is outlined in the land development code and is public information but not a public process.

Commissioner Biltoft expressed concern for traffic west of chambers on 112th. Jim Hayes, Oakwood Homes said that the road to Bison Ridge will be a much larger regional project that they will have to partner with the City on.

Commissioner Douglas said that criteria H should not be considered because it has expired in 2020. Michelle stated there is a new stand alone agreement for this plat that has been agreed upon by the City. Commissioner Douglas is concerned with the layout and think it seems extreme even for high density, the lots do not have adequate space and it does not seem to be designed well. Michelle stated the PUD document meets per acre density. And cluster lot designs have fewer curb cuts in their driveway, allows for parking spaces on streets for guests, and all lots have 2 car garages. And, this meets all Public Works transportation requirements. South Adams County Fire Department has also reviewed this case and has no concerns.

Commissioner VanDijk asked if this area has always been zoned as high residential. Planner answered yes it has.

Seeing no further comments, Chairman Popiel invited the public to speak.

Brenda Berger, 15501 E 112th Ave, the Greens- Has lived here since 2007 and seen how much has been built. Maybe it is time to step back and slow down, get chambers widened first, get some schools as all of them are currently full. 153 cars minimum coming from that neighborhood is going to cause major traffic issues on 112th and Chambers, it is nice the applicant works with the City for improvements, but stores cant even stay stocked now. It does not make sense to keep letting Oakwood build.

Georgeann Becker, 16111 Fairway Drive- Gallery at Reunion- Focused on the traffic problems, and should get those resolved first. Look at the current conditions at Heartland, it is impossible to make a left turn and sometimes a right turn. The traffic study was too narrowly focused and out of date, it only evaluates impact of this proposal at one intersection, does not look at heartland, 104th, or 120th off of Chambers. This was done in October 2021 so it is out of date and uses assumptions/projections that was done in may 2000, 22 years ago. Concerned about walkability, safety, and fire protection.

Brent Soderlin, City Engineer, the traffic study looked at 2023 and 2040 it did include the background traffic in the report. Chambers and Heartland was not included in the study because it would be warranted when doing widening of Chambers Road.

Philip Baca, 15441 Fairway Drive- this does has adverse affects on his property, affects value, subdivision meets all the minimum standards. Would like to see comments from fire department/police department. Did they really pay attention and look at the details. Concerned about the risk of public safety.

Rachel Eng, 15461 Fairway Drive- Criteria F1 'subdivision will not result in substantial or adverse affect on adjacent properties', there is adverse affects on the whole neighborhood. And, Criteria F2 'any adverse affect has been or will be mitigated to the

maximum extent feasible', building really tall close together homes will diminish the value of her home significantly. She state she realizes there will be building there, but wants to see reasonable building.

Chairman Popiel asked if there was any rebuttal from applicant. Michelle Berger, Spencer Fane stated they have complied with all notice obligations, and adequately addressed all concerns.

Seeing no further public or written comments, Chairman Popiel invited the Commission to discuss.

Commissioner Yost stated that he understands the community concerns and this is why there is a rule book, the land development code. It may not be what the community wants but the applicant has met all of the criteria and rules.

Commissioner VanDijk has concerns about the pace in which this is being built and other things may need to happen before these big developments happen.

Commissioner Douglas said that based on criteria D, he does not think they have met their minimum requirements, the general lot layout is not right. We have to think about what city would look like 20 years from now, and is concerned this will not compliment residential that is built. Criteria F, will affect them to get in/out of their areas, should plan roads for this area first.

Commissioner Biltoft is in alignment with Commissioner Yost. The criteria is set out and they could make it more dense than it already is.

Chairman Popiel stated that the City does rely heavily on the expertise of the Fire Department, 27J, and trusts they did their part to provide comments and review.

A motion was made by Commissioner Yost; I move the Planning Commission enter a finding that the requested final plot for Reunion Filing 38 located at the southeast corner of East 112th Avenue and Chambers Road, known as case S-776-20-22 meets the criteria of the LDC and based up on such findings recommend that the City Council approve the final plot. And seconded by Chairman Popiel, that this Subdivision be recommended for approval VOTE:

Ayes: 3 - Commissioner Yost, Commissioner Biltoft and Chair Popiel

Nayes: 2 - Alternate Commissioner VanDijk and Alternate Commissioner Douglas

Action Items:

Board Business:

Attorney Business:

Staff Business:

Adjournment

Meeting was adjourned at 9:05pm.

